

**Remarks**

Claims 1-17 are pending herein. By this Amendment, claims 1-3 have been amended.

Claim 1 has been amended to replace the term “dimensions” with the recitation --width and said thickness--. Support for this amendment can be found in the specification at, e.g., page 5, lines 25-27. Claims 2 and 3 have each been amended to delete the recitation “in the order named” and to recite that --the operation switch is located adjacent to the display device and the vibration generator is located adjacent to the operation switch--. Support for the amendments to claims 2 and 3 can be found in the specification at, e.g., page 6, lines 24-29 and at Figures 1 and 2.

In the Office Action, claims 1-17 are objected to; claims 1-4, 6-8 and 10-13 are rejected under 35 U.S.C. §102(b) as being anticipated by JP 09218106 to Haneda (“Haneda”); and claims 5, 9 and 14-17 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and amended to overcome the other objection to the claims.

In view of the amendments and remarks herein, Applicants respectfully request reconsideration and withdrawal of the objections and rejection set forth in the Office Action.

**I. Objection to Claims 1-17**

Claims 1-17 are objected to because of the following informalities:

- claim 1, line 8: there is lack of antecedent basis for the term “said dimensions”;
- claims 2 and 13: it is not clear what is meant by the term “the order named” by the longitudinal direction; and
- claims 4-17: dependent upon an objected to base claim.

As noted above, claim 1 has been amended to replace the term “dimensions” with the recitation --width and said thickness--.

Claims 2 and 3 have each been amended to delete the recitation “in the order named” and to recite that --the operation switch is located adjacent to the display device and the vibration generator is located adjacent to the operation switch--.

In view of the amendments to claims 1-3, Applicants respectfully request that the objection to claims 1-17 be withdrawn.

## **II. Rejection of Claims 1-4, 6-8 and 10-13**

Claims 1-4, 6-8 and 10-13 are rejected under 35 U.S.C. §102(b) as being anticipated by Haneda.

Applicants respectfully submit that Haneda does not anticipate claims 1-4, 6-8 and 10-13.

Instant claim 1 recites that “the operation switch and the vibration generator are arranged on one side of the display device in the longitudinal direction of the electronic clinical thermometer”. In this arrangement, the operation switch and the vibration generator are located close to each other (see instant specification at, e.g., page 14, lines 5-10). Furthermore, claims 2 and 3 have been amended herein to clarify that the operation switch is located adjacent to the display device and the vibration generator is located adjacent to the operation switch. In other words, in the thermometer recited in claims 2 and 3, the display device is not located between the operation switch and the vibration generator. Consequently, the operation switch and the vibration generator can be located close to each other, without being separated from one another by the display device. As a result, when a user holds the thermometer with his thumb pressing the operation switch, as illustrated in Figures 8 and 9, vibration which the vibration generator generates is easily transmitted to the user’s finger. At such time, the display device is not hidden from view by the user’s fingers or hand (see page 13, lines 20-23).

In contrast, Haneda discloses an electronic clinical thermometer having a buzzer 20 composed of a piezoelectric element 20 and a disk-like vibration plate 22. However, it is the undersigned’s understanding that Haneda does not disclose where a display device and an operation switch are arranged. Therefore, Haneda does not suggest “arranging the operation switch and the vibration generator on one side of the display device in the longitudinal direction of the electronic clinical thermometer”, as recited in claim 1. Accordingly, in Haneda, because an operation switch (if any) and the vibration plate 20 are not arranged close to each other, when a user holds the thermometer of Haneda with his hand, vibration generated by the buzzer 20 will not easily be transmitted to the user’s finger, and a display unit (if any) might be hidden at that time.

Thus, for at least the foregoing reason, Applicants respectfully submit that claims 1-4, 6-8 and 10-13 are not anticipated by Haneda.

**III. Objection to Claims 5, 9 and 14-17**

Claims 5, 9 and 14-17 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and amended to overcome the other objection set forth in the Office Action.

Claims 5, 9 and 14-17 depend directly or indirectly upon claim 1. For the reasons discussed above, Applicants submit that claim 1 is not anticipated by Haneda. Thus, Applicants respectfully submit that claims 5, 9 and 14-17 are patentable in their current form.


**IV. Conclusion**

In view of the amendments and remarks herein, Applicants respectfully request that the objections and rejection set forth in the Office Action be withdrawn and that claims 1-17 be allowed.

If any fees under 37 C. F. R. §§ 1.16 or 1.17 are due in connection with this filing, please charge the fees to Deposit Account No. 02-4300, Order No. 032213M041.

Respectfully submitted,  
SMITH, GAMBRELL & RUSSELL, LLP

By:

  
Michael A. Makuch, Reg. No. 32,263  
1850 M Street, N.W., Suite 800  
Washington, D.C. 20036  
Telephone: (202) 263-4300  
Facsimile: (202) 263-4329

Dated: January 26, 2007

MAM/MM/cj